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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,199	08/06/2001	Hitoshi Inoue	B984-052	8890

26272 7590 10/06/2003

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EXAMINER
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BELL, PAUL A

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/923,199

Applicant(s)

INOUE ET AL.

Examiner

PAUL A BELL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13, 14-26, 27-39, 40-44, and 45-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to independent claims 1, 14, and 27 the term "projected" is not proper in view of the figures which do not show projected images on to the eye but instead have "displayed" images which are "viewed" by each eye separately. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. Therefore the term "projected" is indefinite because the specification does not clearly redefine the term.

Claims 2-13, 15-26, and 28-39 are also rejected under 112 because they depend on a claim which has the term "projected" or they themselves have the term.

With regard to Claims 1, 14, 27, 40, and 45 the Claims recites the limitation "the same subject". There is insufficient antecedent basis for this limitation in the claim.

With regard to Claims 38 and 39 the Claims recites the limitation "the mark". There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 4, 11, 14, 16, 17, 20, 24, 27, 33, 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Klyn et al. (5,155,750).

With regard to claim 1 Klyn et al. teaches an image display apparatus (figure 17) comprising: input means for inputting two images of the same subject obtained at different times (figure 1, items 13 and 10 and abstract); display means for displaying the two inputted images in a manner enabling an observer to fuse the two inputted images together for stereoscopic viewing (figure 1, item 17); and display control means for controlling said display means to display the two inputted images such that the two inputted images are projected separately into left and right eyes of the observer (figure 1, item 20).

With regard to claim 3 Klyn et al. teaches an image display apparatus as claimed in claim 1, wherein each of the two images

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is an image produced from a radiation intensity distribution (figure 1, item 12).

With regard to claim 11 Klyn et al. teaches an image display apparatus as claimed in claim 1, comprising at least two single image display means for displaying each of the two images singly (figure 1, items 18 and 19) , and wherein said display control means controls said single image display means to display each of the two images singly (figure 1, item 20).

With regard to claim 4 Klyn et al. teaches an image display apparatus as claimed in claim 3, wherein the two images are a past image and a current image taken of the same human subject (figure 1, item 10 the first position is the past image the second position is the current image since the "object" is defined as "something perceptible esp to the sense of touch or vision" and since "a human subject" would have been a member of "object" it would have been clearly anticipated as one of many selections for a object)

With regard to claim 14 Klyn et al. teaches an image display method of displaying two images of the same subject obtained at different times on display means in a manner such that an observer can fuse the two images together for stereoscopic viewing (figure 1, items 13, 10 and 17, and abstract), the method comprising the steps of: inputting the two

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images (figure 1, item 11); and controlling said display means to display the two inputted images such that the two inputted images are projected separately into left and right eyes of the observer, whereby the observer can fuse the images together (figure 1, item 20).

With regard to claim 16 Klyn et al. teaches 16 an image display method as claimed in claim 14, wherein each of the two images is an image produced from a radiation intensity distribution (figure 1, item 12).

With regard to claim 17 Klyn et al. teaches 17 an image display method as claimed in claim 16, wherein the two images are a past chest X-ray image and a current chest X-ray image taken of the same human subject (figure 1, item 10 the first position is the past image the second position is the current image since the "object" is defined as "something perceptible esp to the sense of touch or vision" and since "a human subject" would have been a member of "object" it would have been clearly anticipated as one of many selections).

With regard to claim 20 Klyn et al. teaches an image display method as claimed in claim 14, wherein said display means has a color display function, and said display means is controlled to display the two images on said display means while

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changing colors of the two images independently (column 5, lines 45-57).

With regard to claim 24 Klyn et al. teaches an image display method as claimed in claim 14, wherein at least two single image display means for displaying each of the two images singly are provided (figure 1, items 18 and 19), and the image display method further comprises a step of controlling each of said single image display means to display a corresponding one of the two images singly (figure 1, item 20).

With regard to claim 27 Klyn et al. teaches a storage medium storing (figure 1, item 14), so as to be readable by an information processing apparatus (figure 1, item 17), a program for constructing an image display system for displaying two images of the same subject obtained at different times on display means in a manner such that an observer can fuse the two images together for stereoscopic viewing, the program (figure 1, item 20) comprising: an input module for inputting the two images (figure 1, item 13); and a display control module for controlling said display means to display the two inputted images such that the two inputted images are projected separately into left and right eyes of the observer, whereby the observer can fuse the images together (figure 1, item 17).

With regard to claim 33 Klyn et al. teaches a storage medium as claimed in claim 27, wherein said display means has a color display function, and said display control module includes program instructions for controlling said display means to display the two images while changing colors of the two images independently(column 5, lines 45-57).

With regard to claim 37 Klyn et al. teaches a storage medium as claimed in claim 27, wherein at least two single image display means for displaying each of the two images singly are provided (figure 1, items 18 and 19), and said display control module carries out display processing for controlling each of said single image display means to display a corresponding one of the two images singly (figure 1, item 20).

***Allowable Subject Matter***

5. Claims 2, 5-10, 12, 13 15,18-23, 28-32, 34-36, 38, 39 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 40 and 45 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.



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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019.

If attempts to reach the examiner by telephone are unsuccessful the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377 can help with any inquiry of a general nature or relating to the status of this application.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or Faxed to: (703) 872-9314 (for Technology Center 2600 only)

Or Hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor  
(Receptionist).

*Paul Bell*

Paul Bell

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September 26, 2003



STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600